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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,831	10/01/2003	Jeffrey J. Darcy	E0295.70160US01	3775

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EXAMINER
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BATAILLE, PIERRE MICHE

ART UNIT	PAPER NUMBER
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2186

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

10/676,831

**Applicant(s)**

DARCY, JEFFREY J.

**Examiner**

Pierre-Michel Bataille

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-169 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☒ Claim(s) See Continuation Sheet is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Continuation of Disposition of Claims: Claims rejected are 1,2,4-6,10-13,18,25,26,30,35-37,42,47-52,54,55,58-62,71-77,79-82,84,85,88,93-96,98-100,102,107-111,113,115,120-124,126-129,131,132,134,139-143,145,146,148,153-158,160,161,163,168 and 169.

Continuation of Disposition of Claims: Claims objected to are 3,7-10,14-17,19-24,27-29,31,33,34,38-41,43-46,53,56,57,63,64,66-70,78,83,87,89-92,97,101,103-106,112,114,116-119,125,130,133,135-138,144,147,149-152,159,162 and 164-167.

### DETAILED ACTION

1. The present Office Action is taken in relation to prosecution of the instant application presenting claims 1-169 for examination.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-6, 10-13, 18, 25-26, 30, 35-37, 42, 47-52, 54-55, 58-62, 71-77, 79-82, 84-85, 88, 93-96, 98-100, 102, 107-111, 113, 115, 120-124, 126-129, 131, 132, 134, 139-143, 145-146, 148, 153-158, 160-161, 163, and 168-169 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,664,170 (Taylor).

With respect to claims 1, 25, 47, 71, 76, 93, 107, 122, 139, and 153, Taylor teaches a method for use in a computer system including a plurality of host computers (plurality of domains) including a root host computer (root domain or parent domain being the domain above in a hierarchy) and at least one child host computer (subdomains or child domains including zero or more domains), the root host computer having a volume of storage available to it that is stored on at least one non-volatile-storage-device (each domain organized in a hierarchy of directories of files) , the method comprising: (A) exporting at least a portion of the volume of storage from the root host computer to the at least one child host computer so that the at least one child host computer and the root host computer share access to the volume of storage (the

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system allowing replication where both masters and slave can share access to database information in storage volume; the system also allows sharing of network resources such as printers, which inherently include storage volumes) [Col. 2, Lines 38-64; Col 7, Line 60 to Col 8, Line 21].

With respect to claims 2, 4-6, 10-13, 18, 26, 30, 35-37, 42, 48-52, 54-55, 58-62, 72-75, 77, 79-82, 84-85, 88, 94-96, 98-100, 102, 108-111, 113, 115, 120-121, 123-124, 126-129, 131, 132, 134, 140-143, 145-146, 148, 154-158, 160-161, 163, and 168-169 being dependant on claim 1, correspondingly dependant claim inclusively, all remaining cited claim limitations are considered as either being inherent in that thought by Taylor or not considered sufficient to patentably distinguish over prior art.

4. Claims 1-2, 4-6, 10-13, 18, 25-26, 30, 35-37, 42, 47-52, 54-55, 58-62, 71-77, 79-82, 84-85, 88, 93-96, 98-100, 102, 107-111, 113, 115, 120-124, 126-129, 131, 132, 134, 139-143, 145-146, 148, 153-158, 160-161, 163, and 168-169 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,924,115 (Von Herzen et al)

With respect to claims 1, 25, 47, 71, 76, 93, 107, 122, 139, and 153, Von Herzen teaches a method for use in a computer system including a plurality of host computers (root node, Fig. 3-4) including a root host computer (successor node, Fig. 3-5) and at least one child host computer, the root host computer having a volume of storage available to it that is stored on at least one non-volatile-storage-device (each domain organized in a hierarchy of directories of files), the method comprising: (A) exporting at least a portion of the volume of storage from the root host computer to the at least one

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child host computer so that the at least one child host computer and the root host computer share access to the volume of storage (the system allowing replication where both masters and slave can share access to database information in storage volume; the system also allows sharing of network resources such as printers, which inherently include storage volumes) [Col. 2, Lines 18-34; Col 3, Line 24 to Col 4, Line 48].

With respect to claims 2, 4-6, 10-13, 18, 26, 30, 35-37, 42, 48-52, 54-55, 58-62, 72-75, 77, 79-82, 84-85, 88, 94-96, 98-100, 102, 108-111, 113, 115, 120-121, 123-124, 126-129, 131, 132, 134, 140-143, 145-146, 148, 154-158, 160-161, 163, and 168-169 being dependant on claim 1, correspondingly dependant claim inclusively, all remaining cited claim limitations are considered as either being inherent in that thought by Von Herzen or not considered sufficient to patentably distinguish over prior art.

5. Claims 1-2, 4-6, 10-13, 18, 25-26, 30, 35-37, 42, 47-52, 54-55, 58-62, 71-77, 79-82, 84-85, 88, 93-96, 98-100, 102, 107-111, 113, 115, 120-124, 126-129, 131, 132, 134, 139-143, 145-146, 148, 153-158, 160-161, 163, and 168-169 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,854,035 (Dunham).

With respect to claims 1, 25, 47, 71, 76, 93, 107, 122, 139, and 153, Dunham teaches a method for use in a computer system including a plurality of host computers including a root host computer and at least one child host computer, the root host computer having a volume of storage available to it that is stored on at least one non-volatile-storage-device, the method comprising: (A) exporting at least a portion of the volume of storage from the root host computer to the at least one child host computer

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so that the at least one child host computer and the root host computer share access to the volume of storage [Fig. 33, 37, 16, 17, 26, Col. 2, line 508 to Col. 3, Line 41; Col. 4, Lines 30-51].

With respect to claims 2, 4-6, 10-13, 18, 26, 30, 35-37, 42, 48-52, 54-55, 58-62, 72-75, 77, 79-82, 84-85, 88, 94-96, 98-100, 102, 108-111, 113, 115, 120-121, 123-124, 126-129, 131, 132, 134, 140-143, 145-146, 148, 154-158, 160-161, 163, and 168-169 being dependant on claim 1, correspondingly dependant claim inclusively, all remaining cited claim limitations are considered as either being inherent in that thought by Dunham or not considered sufficient to patentably distinguish over prior art.

### ***Allowable Subject Matter***

6. Claims 3, 7-10, 14-17, 19-24, 27-29, 31, 33-34, 38-41, 43-46, 53, 56, 57, 63-64, 66, 67-70, 78, 83, 87, 89-92, 97, 101, 103-106, 112, 114, 116-119, 125, 130, 133, 135-138, 144, 147, 149-152, 159, 162, and 164-167 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,957,294 (Saunders et al) teaching disk volume virtualization allocating portion of the pool global memory in client/server system.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Michel Bataille whose telephone number is (571) 272-4178. The examiner can normally be reached on Mon-Fri (8:00A to 4:30P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Pierre-Michel Bataille  
Primary Examiner  
Art Unit 2186

September 30, 2006

**PIERRE BATAILLE**  
**PRIMARY EXAMINER**